IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

JESSICA LYNN GARCIA, INDIVIDUALLY	§	
AND FOR THE BENEFIT OF ALL	§	
WRONGFUL DEATH BENIFICIARIES AND	§	
AS REPRESENTATIVE OF THE ESTATE	Š	
OF SUSAN VANESSA ESPARZA,	§	
DECEASED, and MARIA GRACIELA	§	
OVALLE,	8	
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Plaintiffs,	8	CASE NO. 5:22-CV-00911-XR
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VS.	8	
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HOVEROUND CORPORATION and	§	
CURTISS-WRIGHT CORPORATION,	8	
	8	
	§	
Defendants.	§	JURY TRIAL DEMANDED

PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL DOCUMENTARY EVIDENCE AND ARGUMENT IN RESPONSE TO DEFENDANT CURTISS-WRIGHT CONTROLS INTEGRATED SENSING, INC.'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12 [DKT. 21]

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME, JESSICA LYNN GARCIA, INDIVIDUALLY AND FOR THE BENEFIT OF ALL WRONGFUL DEATH BENEFICIARIES AND AS REPRESENTATIVE OF THE ESTATE OF SUSAN VANESSA ESPARZA, DECEASED, and MARIA GRACIELA OVALLE, ("Plaintiffs"), by and through counsel of record, and moves this Honorable Court for leave to file supplemental documentary evidence and argument in response to Defendant Curtiss-Wright Controls Integrated Sensing, Inc.'s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12¹ and respectfully shows the Court the following:

Defendant Curtiss-Wright Controls Integrated Sensing, Inc.'s (hereafter Defendant

¹ [Dkt. 21].

Curtiss-Wright Controls") Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12 has

been fully briefed.² After Defendant Curtiss-Wright Controls filed its motion to dismiss, its

parent/holding company Curtiss-Wright Corporation filed its own Motion for Summary

Judgment.³ In responding to that motion, Plaintiffs discovered additional evidence which could

impact the Court's analysis in deciding Curtiss-Wright Controls' motion to dismiss. For that

reason, Plaintiffs respectfully seek leave to submit supplemental documentary evidence and

argument used in responding to Curtiss-Wright Corporation's Motion for Summary Judgment in

response to its subsidiary/segment's Motion to Dismiss.

Plaintiffs attempted to confer via email with counsel for Defendant Curtiss-Wright

Controls Integrated Sensing, Inc., but were unable to do so prior to filing this motion. It is

unknown whether they oppose this motion for leave to submit additional documentary evidence

and argument.

Dated: January 13, 2023

Respectfully submitted,

TOSCANO LAW FIRM, PC

846 Culebra Road, Suite 104 San Antonio, TX 78201 (210) 732-6091 (210) 736-0439 fax

toscanolawfirm@gmail.com

BY: /s/ Patrick J. Toscano PATRICK J. TOSCANO

State Bar Number: 24025684

AND

GEOFFREY NEIL COURTNEY

Attorney at Law Riverview Towers

111 Soledad St., Ste. 540

² [Dkts. 21, 25 and 30].

³ [Dkt. 24].

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San Antonio, TX 78205 (210) 227-7121 (210) 227-0732 fax GNCourtney@GNCourtney.com

BY: /s/ Geoffrey N. Courtney
GEOFFREY N. COURTNEY
State Bar Number: 00790514

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been electronically filed and served to the following counsel of record on this 13th day of January, 2023.

Mr. Daniel J. Madden
Ms. Nicole Feragen
FOX ROTHSCHILD, LLP
Saint Ann Court
2501 N. Harwood Street, Suite 1800
Dallas, Texas 75201
Attorneys for Defendant
Hoveround Corporation

Mr. Trek Doyle
Mr. Ryan Cantu
DOYLE & SEELBACH PLLC
7700 W. Highway 71, Suite 250
Austin, Texas 78735
Attorneys for Defendants
Curtiss-Wright Corporation and
Curtiss-Wright Controls Integrated Sensing, Inc.

/s/ Patrick J. Toscano
PATRICK J. TOSCANO

CERTIFICATE OF CONFERENCE

On January 13, 2023, I attempted to confer with Ryan Cantu via email but was unable to do so prior to filing this motion. It is unknown whether Defendant Curtiss-Wright Controls Integrated Sensing, Inc. is or is not opposed to the relief sought in this motion for leave.

/s/ Patrick J. Toscano
PATRICK J. TOSCANO